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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-06-0149 JSW
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER TO CONTINUE STATUS
13 v.	)	CONFERENCE
	)	
14 JIMMY MULLINS,	)	
	)	
15 Defendant.	)	
	)	

16  
17 Having been arraigned on an indictment charging him with one count of being a felon in  
18 possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), defendant Jimmy Mullins is  
19 scheduled to make his initial appearance before this Court on March 30, 2006.


20 Defense counsel is unavailable on March 30, 2006. Counsel so informed the magistrate  
21 at the parties' last appearance, but the magistrate directed the parties to address the issue of  
22 scheduling, as well as any speedy trial issues, to this Court.

23 The government has indicated that it will turn over discovery to the defense this week.  
24 Defense counsel requests an opportunity to review the discovery prior to the initial appearance  
25 before this Court. Additionally, defense counsel is considering an appeal of the magistrate's  
26 detention order and wishes to be prepared to address that issue at the initial appearance.


Accordingly, the parties agree and stipulate that the appearance presently scheduled for Thursday, March 30, 2006 shall be continued to Thursday, April 6, 2006 at 2:30 PM. The parties further agree and stipulate that the period from March 21, 2006 through April 6, 2006 should be excluded under the Speedy Trial Act to facilitate the effective preparation of counsel and to accommodate defense counsel's unavailability on March 30, 2006.

IT IS SO STIPULATED.

Dated: 3/23/06

  
BARRY J. PORTMAN  
Federal Public Defender  
JOSH COHEN  
Assistant Federal Public Defender

Dated: 3/29/06

  
KEVIN V. RYAN  
United States Attorney  
SUSAN JERICH  
Assistant United States Attorney

### ORDER

For the reasons stated and for good cause shown, it is hereby ORDERED that the status conference presently scheduled for March 30, 2006 shall be continued to April 6, 2006 at 2:30 PM.

It is further ordered that the period from March 21, 2006 through April 6, 2006 shall be excluded under the Speedy Trial Act. The Court finds that the failure to grant the requested exclusion would deny the defendant the continuity and effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. *See id.* § 3161(h)(8)(A).

IT IS SO ORDERED.

Dated: March 29, 2006

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE